

BILL AND HOC REPORT

COMMENT

PROPOSED SOLUTION

1.a. HR 6410

(1) SECTION 3506(b)
The Head of each agency shall designate...a senior official who reports directly to such Agency Head to carry out the responsibilities of the agency under this Chapter.

(2) SECTION 3506(c)(4)
Assign to the official designated under Subsection (b) the responsibility for the conduct of and accountability for any acquisitions made pursuant to a Delegation of Authority under Section 111 of the Federal Property and Administrative Services Act of 1949 (40 USC 759).

b. HOC REPORT (page 6, last para)
It is also expected that a certain restructuring of activities may be required within the agencies. The committee expects that each agency will reorganize, to the extent necessary, so that the counterpart activities within the agency to those assigned to the OMB Office of Federal Information Policy will report directly to the Senior Official designated by the agency head.

1.a. Within many of the agencies, it would be impractical to assign responsibility for all information management to single office.

b. A standardized organizational structure based upon functional disciplines does not necessarily mesh with an objective or mission oriented organization. The functional activities and their controlling structure should not drive or force the mission structure.

1.a. Recommend the addition of "(or officials)" after "... a senior official" in 3506(b). Likewise, change "... the official" in 3506(c)(4) to "an official."

b. Ensure the House/Senate Conference Report does not require a reorganization of federal agencies to reflect a functional matchup with the Office of Federal Information Policy.

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COMMENT

PROPOSED SOLUTION

2. MILDEP AUTHORITY

2. Though the Bill states the MILDEPs are agencies empowered to receive delegations from OMB under the Bill, the report implies that the MILDEPs are only constituent agencies, that the designated senior official for delegation purposes exists only at the OSD level, and that a service would not be empowered to receive delegations under the Brooks Act and HR 6410, should the latter become law.

2. Ensure that "agency" as defined in the Bill is the operable term, particularly with respect to OMB and GSA authority delegations. This may be accomplished in the House/Senate Conference Report. MILDEP use of this authority will still be subject to OSD control through DODDs 5000.1, 7920.1, etc.

a. HR 6410, Section 3502(1)

"Agency" means any Executive department, military department, Government corporation, Government controlled corporation, or other establishment in the Executive Branch...

b. HGOOC Report (page 7, 3rd & 4th paras)

The appropriate structure under HR6410 is somewhat different in the case of a Government department having constituent agencies, such as the Department of Defense. The committee expects that each constituent agency will establish a central Information Management Unit, subject to the review and approval of the departmental-level unit headed by the designated senior official...HR 6410 permits the OMB Director to delegate the responsibility of approving proposed information collection requests to the ...senior official... (and) the Bill does not permit that official to redelegate his approval authority.

c. HGOOC Report (page 8, 1st para)

(For delegations under the Brooks Act) HR 6410 requires that any such delegations by GSA to the agencies be made to the Senior Information Management official designated under this legislation.

BILL AND HOC REPORT

COMMENT

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3. AGENCY RESOURCE ACQUISITION AND
USE

a. HR 6410, Section 3504(g)

The Automatic Data Processing and
Telecommunications functions of the
(OMB) Director shall include --

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(3) Providing, in coordina-
tion with the Administrator of General
Services, advise and guidance on the
acquisition and use of automatic data
processing and telecommunications equip-
ment, and coordinating, through the review
of budget proposals and otherwise, agency
proposals for acquisition and use of such
equipment

b. HOC Report (page 10, 2nd &
3rd paras)

(INFORMATION) technology includes,
but is not limited to, computer techno-
logy, communications technology, and
related information handling, storage, and
retrieval technology...it is the intent of
the committee that word processors and
other kinds of technology for handling
information be covered for purposes of HR
6410 and the Brooks Act.

a. Computers and communications
are tools for a broad spectrum of
governmental activity ranging from
simple information management to
complex weapon system control and
delivery. By recognizing these
technologies as tools solely of
information management, an inappro-
priate control mechanism is placed
over their acquisition and use with
respect to other missions.

b. The Brooks act, PL 89-306,
concerns the "...purchase, lease,
and maintenance of automatic data
processing equipment by federal
agencies. Moreover, the Act pro-
vides that "the (GSA) Administra-
tor shall not interfere with, or
attempt to control in any way, the
use made of automatic data process-
ing equipment or components thereof
by any agency." (5 USC 630(g))

a.(1) Delete 3504(g)(3); or

(2) Change 3504(g) to read
"The automatic data processing and
telecommunications functions of
the Director shall apply solely to
information management systems and
not DOD command and control, weapon,
or intelligence systems and shall
include..."

b. Ensure that the House/Senate
Conference Report reflects the Brooks
Act coverage as stated in Public Law
306 and the legislative history (HOC
Report on HR 4845).

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COMMENT

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4. GSA MANAGEMENT OVERSIGHT ROLE

a. HR 6410, Section 3513(a):

The (OMB) Director shall, with the advice and assistance of the Administrator of General Services, review, at least once every 3 years, by means of selective inspections, the information management activities of each agency to ascertain their adequacy and efficiency...

b. HGOC Report:

(1) Page 15, 4th para:

... GSA must reorient its management philosophy, which emphasizes its service role as opposed to its management oversight function...GSA should act as the Government's operational manager of ADP resources...include(ing) reviewing agency procurement justifications to insure compliance with Government ADP policies and regulations prior to the acquisition of ADP resources by the agencies.

(2) Page 6, 4th para:

GSA, in its reviews of requests for authority to acquire information technology, is to review the need for the technology and whether it will improve the agency's operations.

a. By redirecting GSA's mission focus from "service" to "management oversight" the Bill deprives the federal agencies of a much needed service organization. GSA has already allowed to lapse most of their ADP requirements contracts. GSA audits are unnecessary as agency management audits may be conducted by the GAO or internal audit groups using standards developed by OMB.

b. PL 89-306 states that GSA shall not interfere with the determination by agencies of their ADPE requirements or with the use made of ADPE by any agency. By having GSA review agency need justifications, the Bill makes GSA a limited partner to agency acquisitions. This is unnecessary, counter to the legislative history of the Brooks Act which states that "agencies would maintain their present independence in the determination of ADP requirements," and would create a conflict of interest for any oversight role envisioned for GSA.

a. Delete ", with the advice and assistance of the Administrator of General Services,"

b. Ensure that the House/Senate report recognizes the primary importance of GSA as a service organization and reemphasizes the restrictions on interference in agency resource requirements as stated in the Brooks Act and associated legislative history.